

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

K-5 REALTY, LLC, a Florida limited liability company,)	
)	
Plaintiff,)	Case No. 08 C 1400
v.)	
)	Honorable Judge Charles Norgle
CONTRIBUTED MUTUAL BENEFITS MORTGAGE SERVICES, INC., an Illinois corporation, and CHARLES CHRISTIAN, individually,)	Magistrate Judge Brown
)	JURY DEMAND
Defendants.)	

**EMERGENCY MOTION TO CORRECT MISTAKEN UNREDACTED
FILING UNDER FEDERAL RULE OF CIVIL PROCEDURE 5.2**

The Plaintiff, K-5 REALTY, LLC, by its attorney, Gregg Minkow of Hinshaw & Culbertson LLP, respectfully prays for an order permitting the Plaintiff to substitute, for certain exhibits attached to its Motion for Prejudgment Attachment Order, Preliminary Injunction, Accelerated Discovery, or Other Relief, exhibits on which have financial account numbers of the parties and third parties have been redacted in accordance with newly effective Rule 5.2 of the Federal Rules of Civil Procedure, and in support thereof states as follows:

1. FRCP 5.2(a)(4), effective December 1, 2007, provides that when documents are filed with the Clerk containing financial account numbers, they should include only the last four digits of the account identifier.
2. Portions of Exhibits E, F, and N to the Plaintiff's Motion for Prejudgment Attachment Order, Preliminary Injunction, Accelerated Discovery, or Other Relief were mistakenly filed on March 18, 2008 containing financial account numbers of the parties and a third party which were not redacted as provided by FRCP 5.2.

3. The Advisory Committee Notes to Rule 5.2 anticipated the possibility of such mistakes, and state that “If a person files an unredacted identifier by mistake, that person may seek relief from the court.”

4. Plaintiff’s counsel noticed the mistake shortly after filing the aforesaid Motion, and this motion to correct the error is brought as an emergency, the day after filing, in order to avoid injuring the privacy of either party or any third party, and no party will be prejudiced as a result of the granting of this motion.

5. Rule 5.2(f) provides for filing of unredacted documents under seal concurrently with the filing of redacted documents, at the option of the filer, and Plaintiff wishes to exercise that option here.

6. Due to its emergency nature, service of this Motion on the Defendants has been by electronic mail only.

WHEREFORE, Plaintiff prays for an order directing the Clerk of the Court to place under seal the aforementioned Exhibits E, F, and N containing unredacted financial account numbers, and to replace them in the publicly accessible record *instanter* with exhibits, supplied by Plaintiff, which are identical but for the partial redaction of financial account numbers in accordance with FRCP 5.2.

Respectfully submitted,

K-5 REALTY, LLC, Plaintiff

By: s/ Gregg I. Minkow
One of its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2008, I will have electronically filed Plaintiff's **Emergency Motion To Correct Mistaken Unredacted Filing Under Federal Rule Of Civil Procedure 5.2** with the Clerk of the U.S. District Court, Northern District of Illinois, Eastern Division, using the CM/ECF system. Notification of such filings(s) was sent via electronic mail on March 18, 2008 to the following:

Charles Christian, as President on behalf of
Contributed Mutual Benefits Mortgage Services, Inc.
8655 E. Via Del Ventura, Suite G-200
Scottsdale, AZ 85258

Charles Christian, individually
8655 E. Via Del Ventura, Suite G-200
Scottsdale, AZ 85258

K-5 Realty, LLC, Plaintiff

By: s/ Gregg I. Minkow
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